

FOURTH APPELLATE DISTRICT
DIVISION ONE
March 29, 2004

D042434 In re Y.J., a Juvenile

The judgment and orders are affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Nares, J.

D044006 Bates v. Superior Court of San Diego County/Vusse

The petition is denied.

D043018 People v. Travis

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Haller, J.

D041767 People v. Bunch

The convictions and sentence for selling a controlled substance are affirmed. The judgment is modified to stay sentence on the possessing a controlled substance for sale. An amended copy of the abstract of judgment is to be forwarded to the Department of Corrections. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

D043577 Rosa G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Nares, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D042156 People v. Dominguez

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D042574 Coldwell Banker Residential Brokerage Company, Inc. v. Superior Court of San Diego County/Marcos Salazar, a Minor, etc.

Let a writ of mandate issue directing the superior court to vacate its order overruling the demurrer and enter a new order sustaining the demurrer without leave to amend. Petitioner is awarded costs in this proceeding. CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur : Benke, J., Haller, J.

D040975 People v. McCann

The judgment is affirmed as modified. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D042790 People v. Lombera

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., McDonald, J.

D042009 People v. Latuska

The judgment is affirmed. Benke, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D043214 Saint Vincent de Paul Village, Inc. v. Road One Towing, Inc., et al., Allied Gardens Towing, Inc., et al.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rule of Court, rule 20(c)(2)).

D043972 In re Martin on Habeas Corpus

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
March 29, 2004 (continued)

D042830 People v. Chanthavong

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

D042475 In re Robert B. et al., Juveniles

The petition for rehearing is denied.

D042848 In re Ruben B., a Juvenile

The judgment terminating parental rights and the order denying the father's section 388 petition are affirmed. Nares, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D043167 In re Alyssa O., a Juvenile

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., Irion, J.

D042587 People v. Hernandez

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D040808 Burrows et al. v. Qualcomm Incorporated

Judgment reversed. Benke, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D041395 People v. Romero

The true finding on the count 2 (assault offense) firearm enhancement under section 12022.53, subdivision (d) is reversed and the punishment imposed for that enhancement is stricken. In all other respects, the judgment is affirmed. The superior court is directed to amend the abstract of judgment accordingly and to forward a certified copy of the amended abstract to the Department of Corrections. Irion, J.; We Concur: Huffman, Acting P.J., Aaron, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
March 30, 2004

D042889 In re A.J., a Juvenile

The appeal is dismissed. O'Rourke, J.; We Concur: McConnell, P.J., McIntyre, J.

D040734 People v. Cleveland

The petition for rehearing is denied.

D043996 In re Swadener on Habeas Corpus

The petition is denied.

D041565 People v. Mahdi

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., McDonald J.

D043155 Foley v. Superior Court of San Diego County/People

The petition for a writ of prohibition is denied. The stay issued by this court on November 18, 2003, is vacated. CERTIFIED FOR PUBLICATION. Benke, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D040163 Safari Salon and Spa et al. v. Prospect Pointe, LLC et al.

The judgment is affirmed. Prospect, Quince, Spectrum and Evans are entitled to costs on appeal. Aaron, J.; We Concur: Benke, Acting P.J., Haller, J.

D042496 In re Patricia M., a Juvenile

The juvenile court's order placing Patricia in a residential treatment facility is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D041568 Medel v. City of National City

The judgment is affirmed. Costs are awarded to Medel. Huffman, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D042344 In re Kendall O., a Juvenile

The appeal is dismissed as moot. McConnell, P.J.; We Concur: Haller, J., McDonald, J.

D041287 Strong et al. v. von Hirsch et al.

The judgment is affirmed. Costs on appeal to Strong. Huffman, Acting P.J.; We Concur: Nares, J., Irion, J.

D043842 Pitzel-Donato v. Goddard

The appeal is dismissed for appellant's failure to timely designate the record.

D041518 Hester v. Family Golf Centers, Inc.

Judgment affirmed. Family Golf shall bear Hester's costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., Aaron, J.

D040702 People v. Palmer

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D042249 Ralphs Grocery Company v. Massie et al.

Order modifying opinion and denying rehearing. (Change in judgment.)

FOURTH APPELLATE DISTRICT
DIVISION ONE
March 30, 2004

D040891 Rossi Concrete, Inc. v. Skyline Wesleyan Church, Inc.

The petition for rehearing is denied.

D042068 People v. Ranger Insurance Company

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Benke, J.

D041048 Fletcher et al. v. Quest Education Corp.

We reverse the court's denial of the petition, except as to TSRA's claim for a permanent injunction.

O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

D041199 Residential Capital, LLC v. Do

The petition for rehearing is denied.

D041093 Weegar v. Sweetwater Union High School District

The petition for rehearing is denied.

D043957 In re Agrio on Habeas Corpus

The petition is denied.

D040104 Burns v. Oakes et al

D041125 Burns v. Oakes

(Consolidated) The judgment is affirmed except that we remand the matter to the trial court with directions to: (1) vacate its order denying summary judgment to defendant Oakes; (2) vacate its order granting judgment on the pleadings to defendant Oakes; and (3) enter a summary judgment in favor of defendant Oakes. Each party to bear its own costs on appeal. Haller, J.;

We Concur: Huffman, Acting P.J., McDonald, J.

D041058 Koebke et al. v. Bernardo Heights Country Club

The petition for rehearing is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 1, 2004

D040874 People v. Pre

The superior court is ordered to amend the abstract of judgment to show count 3 as a torture charge, and forward a certified copy to the Department of Corrections. In all other respects the judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION. McConnell, P.J.; I Concur: Benke, J., I Concur in Part, Dissent in Part: McIntyre, J.

D040967 Bosinger v. Law Offices of James J. Warner/Reich et al./Rosenstein

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed. Each party to bear own costs on appeal.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 2, 2004

D042478 McDonald et al. v. United Services Automobile Association

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed. Each party to bear own costs on appeal.

D043815 Barbara B. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Barbara B. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Barbara B. is dismissed.

D043782 Kimberly B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Kimberly B. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D043816 Evangelyn P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Evangelyn P. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Evangelyn P. is dismissed.

D042420 People v. Lucero

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D042263 Barros et al. v. Bauer & Schultz et al.

The orders are affirmed. Schultz shall bear the costs of this appeal. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D041303 Leisher v. Alfred

The judgment is reversed as to the allocation of Potomac West commissions one-half to Leisher and one-half to Beachwalk. The matter is remanded with directions for the trial court to determine the amount of salary and bonuses paid to Baker for managing Beachwalk after Alfred's expulsion and to enter an amended judgment after reallocating all of the Potomac West commissions to Beachwalk and reallocating the expense of compensating Banker to act as the manager of Beachwalk to Alfred. In all other respects, the judgment is affirmed. Each party is to bear his own costs on appeal. McIntyre, J.; We Concur: Nares, Acting P.J., McDonald, J.

D043340 Teal II v. Superior Court of San Diego County/People

Let a writ issue directing the superior court to vacate its ruling of December 3, 2003, insofar as it requires Teal to produce subpoenaed documents to the prosecution and denies his requests for the name, address and telephone number of the security guard who witnessed the incident. Our temporary stay of the proceedings is vacated. The original reporter's transcript of the December 3, 2003 hearing shall remain under seal. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3).) CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: Nares, Acting P.J., Aaron, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 2, 2004 (continued)

D041925 Shuer v. County of San Diego

The judgment is reversed. CERTIFIED FOR PUBLICATION. Benke, Acting P.J.;
We Concur: O'Rourke, J., Aaron, J.

D042601 In re Jonathan S., a Juvenile

The order is affirmed. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

D041241 People v. Morgan

The appeal is dismissed. Aaron, J.; We Concur: Huffman, Acting P.J., Irion, J.

D041372 Barros et al. v. Bauer & Schultz et al.

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D041752 Smith v. Seene

The petition for rehearing is denied.

D042604 People v. Rossi

The judgment is affirmed with directions. The superior court is directed to amend the abstract of judgment accordingly and a certified copy of the amended abstract to the Department of Corrections. McIntyre, J.; I Concur: O'Rourke, J., Concurring: Benke, Acting P.J.

D041033 Netwig et al. v. CML Investors, LP et al.

The request for publication of the opinion is denied.